

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

DANIEL O'NEILL,

Plaintiff,

v.

CV 11cv858 JB/GBW

LAWRENCE JARAMILLO, MANUEL PACHECO  
DWANE SANTISTEVAN, MICHAEL GATTI

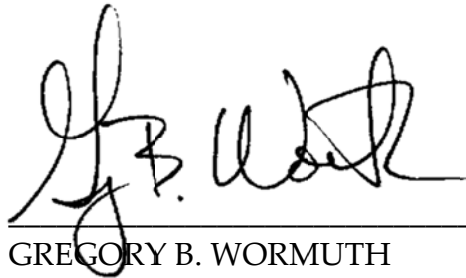
Defendants.

**ORDER DENYING DEFENDANTS' MOTION TO STRIKE**

This matter comes before the Court on Defendants' "Motion to Strike." *Doc. 58*. Defendants move the Court to strike Plaintiff's "Objection to Entry of Appearance" ("Objection")(*doc. 55*), "Certificate of Service"("Certificate")(*doc. 56*) and "Motion Requesting Communication Between the Court and the Secretary of Corrections"("Motion")(*doc. 57*). This Order denies Defendants' motion.

Rule 12(f) of the Federal Rules of Civil Procedure permits a court to strike **pleadings** from the record when the pleadings are redundant, impertinent, immaterial, or scandalous. (Emphasis added.) In the context of motions to strike, "pleadings" are defined narrowly as "a complaint or third-party complaint; an answer to a complaint, a third-party complaint, a counterclaim, or a crossclaim; and, 'if the court orders one, a reply to an answer.'" *Ysais v. N.M. Judicial Std. Comm'n*, 616 F. Supp. 2d. 1176, 1184 (D.N.M. 2009) (*quoting* Fed. R. Civ. P. 7(a)).

Plaintiff's Certificate, Motion, and Objection cannot be classified as pleadings. As such, they cannot be subject to a motion to strike. Wherefore, **IT IS HEREBY ORDERED** that Defendants' Motion to Strike (*doc. 58*) is DENIED.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH  
UNITED STATES MAGISTRATE JUDGE